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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,229	03/26/2004	Anu Virtanen	088245-0142	9043
23524	7590	10/29/2007		
FOLEY & LARDNER LLP 150 EAST GILMAN STREET P.O. BOX 1497 MADISON, WI 53701-1497			EXAMINER GELIN, JEAN ALLAND	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 10/29/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/811,229	Applicant(s) VIRTANEN ET AL.	
	Examiner Jean A. Gelin	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-13, 18, 19 and 24-60 is/are rejected.
- 7) ☒ Claim(s) 14-16 and 20-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2617

DETAILED ACTION

1. This is in response to the Applicant's arguments and amendments filed on August 09, 2007 in which claims 1, 2, 4, 5, 10-12, 14-16, 18-25, 27, 28, 31, 37-39, 42, 48-50, 53, 54, and 59 have been amended. Claims 6, 7, and 17 have been amended. Claims 1-5, 8-16, and 18-60 are currently pending.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 25 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 25 lacks the proper preamble necessary for a statutory computer program claims. See MPEP 2100 for guidance on computer related invention.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 8-13, 18-19, and 24-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al. (US 2003/0039270) in view of Parkwall et al. (US 2006/00986688).

Regarding claims 1, 24-27, 38, and 49, Chang teaches a method of providing signaling in a communication link between a sending node and a receiving node (fig. 9, [0062]), the method comprising: providing a current a current transmission which includes a predetermined bit pattern (i.e., transmitting a MAC signaling message including control information and a signaling indication indicating transmission of control information [0033], [0035], [0062]-[0064], and [0068]). Chang further teaches the computer program is run in a processing means which forms part of an uplink/downlink dedicated channel transmission module of either the sending node or the receiving node (i.e., MAC-hs is installed in a node apparatus which inherently includes a processor for performing the function of sending and receiving [0065]-[0068]).

Chang does not specifically teach whether control information in the current transmission can be used alone for decoding a transport channel.

However, the preceding limitation is known in the art of communications. Parkwall the TFCI informs the receiver about the instantaneously transmitted uplink DPDCH radio frame [0037], one TFCI is transmitted in each radio frame [0045], and TFCI includes control information and predetermined bit pattern. Parkwall further teaches data transmitted in the frame on the DPDCH is decoded using the TFCI_{sf} information [0073]-[0076]. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Parkwall within the

system of Chang in order that a majority vote on the sub-frame decoding attempts of a received radio frame is determined prior to any decoding attempt of an entire radio frame [0078]).

Regarding claims 2, 28, 39, and 50, Chang in view of Parkwall teaches all the limitation above. Parkwall further teaches a transport format combination indicator (TFCI) in the current transmission contains the control information in the current transmission ([0037]).

Regarding claims 3, 29, 40, and 51, Chang in view of Parkwall teaches all the limitation above. Parkwall further teaches a transport format combination indicator (TFCI) in the current transmission contains the predetermined bit pattern ([0072]).

Regarding claims 4, 30, 41, and 52, Chang in view of Parkwall teaches all the limitation above. Chang further teaches the current transmission using a hybrid automatic repeat request (HARQ) protocol ([0024], [0028], and [0083]-[0084]).

Regarding claims 5, 31, 42, and 53, Chang in view of Parkwall teaches all the limitation above. Chang further teaches the current transmission comprises a retransmission of the earlier transmission of the same block ([0088]).

Regarding claims 8, 34, 45, and 56, Chang in view of Parkwall teaches all the limitation above. Chang further teaches the sending node is user equipment and the receiving node is a node B in an uplink ([0081]-[0082]).

Regarding claims 9, 35, 46, and 57, Chang teaches the sending node is a Node B and the receiving node is user equipment in a downlink ([0081]-[0082]).

Regarding claims 10, 36, 47, and 58, Chang in view of Parkwall teaches all the limitation above. Chang further teaches the predetermined bit pattern consists of only one bit ([0063]).

Regarding claims 11, 37, 48, and 59, Chang in view of Parkwall teaches all the limitation above. Chang further teaches the predetermined bit pattern consists of more than one bit in a predetermined pattern, including a bit pattern of "00" or "11" ([0063] and [0078]).

Regarding claims 12, Chang in view of Parkwall teaches all the limitation above. Parkwall further teaches the TFCI contains one bit in the form of a TFCI flag indicating how to decode data blocks in a current data frame ([0021], [0068], and [0073]-[0074]).

Regarding claim 13, Chang in view of Parkwall teaches all the limitation above. Chang further teaches a separate dedicated control channel contains the predetermined bit pattern ([0063], [0076]-[0078]).

Regarding claim 18, Chang in view of Parkwall teaches all the limitation above. Chang further teaches an acknowledgement (ACK) is sent depending on the outcome of the decoding ([0078]).

Regarding claim 19, Chang in view of Parkwall teaches all the limitation above. Chang further teaches a no-acknowledgement (NAK) is either sent or not sent depending on the outcome of the decoding ([0078]).

Regarding claims 32, 43, and 54, Chang in view of Parkwall teaches all the limitation above. Chang further teaches the signaling is used for decoding a transport channel being sent in the communications link ([0012]).

Regarding claims 33, 44, and 55, Chang in view of Parkwall teaches all the limitation above. Chang further teaches the communication link is an uplink or a downlink ([0065], and [0076]-[0077]).

Regarding claim 60, Chang in view of Parkwall teaches all the limitation above. Chang further teaches the system is a communication system ([0030]-[0032]).

Allowable Subject Matter

5. Claims 14-16 and 20-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments with respect to claims 1-5, 8-13, 18-19, and 24-60 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yi et al.	US 2004/0117860	06/17/2004
Pedersen et al.	US 2005/0170830	08/04/2005
Willenegger	US 2006/0251191	09/11/2006
Numminen	US 20020064140	05/30/2002

Art Unit: 2617

Wintzell	US 2005/0003782	01/06/2005
Walton et al.	US 2005/0120097	06/02/2005
Ishida	US 7,168,015	01/23/2007

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

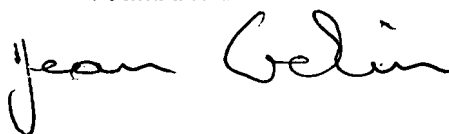
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JEAN GELIN
PRIMARY EXAMINER

JGelin
October 19, 2007

A handwritten signature in black ink, appearing to read "Jean Gelin", written in a cursive style.